

**FORTY-SIXTH DAY.**

Senate Chamber.

Austin, Texas,

March 17, 1933.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Redditt.
Greer.	Rogan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodul.
Murphy.	Woodward.
Neal.	

Absent—Excused.

Rawlings. Woodruff.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Hornsby.

**Petitions and Memorials.**

(See Appendix.)

**Committee Reports.**

(See Appendix.)

**Bills and Resolutions.**

By unanimous consent, the rule relating to the introduction of general bills after the first 52 days of the session was suspended and consent was granted to introduce the following bills:

By Senator Parr:

S. B. No. 459, A bill to be entitled "An Act to amend Articles 4504 and 4510, of Chapter 6 of Title 71 of the Revised Civil Statutes of the State of Texas, 1925, in such manner as to allow all citizens of Texas to practice fully the tenets of their religion without interference or hindrance; repealing all laws in conflict therewith, and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senator Neal:

S. B. No. 460, A bill to be entitled "An Act to amend Article 821 of the Penal Code of 1925, as amended by Acts 1931, Forty-second Legislature, Regular Session, Ch. 219, Sec. 1, page 373."

Read and referred to Committee on State Highways and Motor Traffic.

By Senator DeBerry:

S. B. No. 461, A bill to be entitled "An Act to amend Chapter 163, Acts of the Regular Session of the Forty-second Legislature, by adding thereto a new section restricting the interest rate to be borne by funding bonds, providing that the methods of authorizing and issuing and the interest rates of funding bonds as determined in said law shall take precedence of all special city charter provisions of the contrary, and declaring an emergency."

Read and referred to Committee on Towns and City Corporations.

By Senator Russek:

S. B. No. 462, A bill to be entitled "An Act to amend Article 6725 of the Revised Civil Statutes of 1925, and declaring an emergency."

Read and referred to Committee on State Highways and Motor Traffic.

By Senator Purl:

S. B. No. 463, A bill to be entitled "An Act authorizing the State Treasurer to arrange for the safekeeping in any Federal Reserve Bank or any of its branches situated in this State of bonds and certificates of indebtedness of the United States pledged by reserve depository banks; authorizing the Treasurer to designate the governor of the Federal Reserve Bank or any deputy governor thereof as his agent to receive such securities for and on his behalf and to issue receipts therefor; authorizing such agents to certify to the deposit of such securities; authorizing the Treasurer upon receipt of such certificates to deposit State funds in such reserve depository banks; providing that deposits made under the provisions of this Act shall be in accordance with existing laws governing State reserve depositories; providing that this Act shall not alter existing depository contracts; and declaring an emergency."

Read and referred to Committee on Banks and Banking.

By Senator Fellbaum:

S. B. No. 464, A bill to be entitled "An Act to permit Mrs. Lillie Stallings, and her two minor children, H. G. Stallings, Jr., a boy, age 16 years, and Lillian Stallings, a girl, age 11 years of age, to bring suit against the State of Texas for an alleged damage growing out of the death of H. G. Stallings, husband of Mrs. Lillie Stallings, and father of H. G. Stallings Jr., and of Lillian Stallings, which death, it is alleged, was caused by a fall while the said H. G. Stallings was employed by the State in making repairs on a building at A. and M. College, said fall, it being alleged to have been caused by negligence of the employer, and occurring on the 29th day of July, 1932, and death ensuing on the 31st day of July, 1932."

Read and referred to Committee on State Affairs.

By Senator Hopkins:

S. B. No. 465, A bill to be entitled "An Act amending Chapter 101, Special Laws of the Forty-second Legislature, Regular Session, the same being known as H. B. No. 744, by amending Section 2 (d) thereof."

Read and referred to Committee on State Affairs.

#### Senators Excused.

On motion of Senator Woodul, Senator Rawlings and Senator Woodruff were excused for the day on account of important business.

#### S. C. R. No. 32.

Senator Woodul sent up the following resolution:

Whereas, The Congress of the United States has risen to the occasion and supported the President's economy program, and

Whereas, The Texas delegation in Congress have responded nobly in this course, now therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That we heartily commend them for their patriotism on this occasion, applaud their efforts and assure them that their constituents in Texas are wholeheartedly behind them in this time of the Nation's crisis; be it further

Resolved, That the Secretary of the Senate wire a copy of this resolution to Vice-President Garner for delivery to the Texas members of the

Senate, and to Speaker Rainey for delivery to the Texas House members.

WOODUL,  
REDDITT,  
PARR,  
POAGE,  
DUGGAN,  
NEAL,

RUSSEK,  
MURPHY,  
ONEAL,  
DeBERRY,  
WITT, Lt. Gov.

Read and adopted.

#### Senate Simple Resolution No. 67.

Senator Poage sent up the following resolution:

Whereas, It is appropriate that on St. Patrick's day the Senate of Texas and the people of the United States should give consideration to the relations between our nation and the Irish Free State; and

Whereas, It is of extreme importance to the maintenance of such happy relations that the United States be represented in Ireland by a minister who is properly equipped, both by training and by nature, to fill this important position; and

Whereas, One of the outstanding democrats and citizens of Texas, the Honorable Allan V. McDonnell, of Waco, Texas, is so equipped; now, therefore, be it

Resolved by the Senate of Texas, That it do here and now recommend and indorse said Allan V. McDonnell to his Excellency, the Honorable Franklin D. Roosevelt, President of the United States, for the position of minister plenipotentiary, to the Irish Free State.

And further, that a copy of this resolution be furnished to the President and to the Secretary of State.

POAGE,  
MARTIN.

Read and adopted.

#### Senate Simple Resolution No. 68.

Senator Neal sent up the following resolution:

Whereas, Mrs. Lola Lawrence, Postmistress of the Senate, has complimented the members of the Senate, the Lieutenant Governor and the Secretary of the Senate with lovely baskets of candy in honor of St. Patrick's Day, therefore be it

Resolved, That the members of the Senate express their full appreciation to Mrs. Lawrence for her courtesy and consideration.

NEAL.

Read and adopted.

**Resolutions Signed.**

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following resolutions:

S. C. R. No. 27.

H. C. R. No. 40.

**Message From the House.**

Hall of the House of Representatives,  
Austin, Texas, March 17, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

S. C. R. No. 31, Requesting the return to the Senate of a House memorial concerning a storage reservoir on the Rio Grande River.

S. C. R. No. 19, Granting permission to Mrs. Ruth Shannon to sue the State for personal injuries to and the death of her husband, U. D. Shannon.

S. C. R. No. 23, Granting permission to O. P. Bateman, to sue the State for personal injuries.

H. C. R. No. 34, Relative to compensation for damages resulting from personal injuries to Inez Gamboa and granting permission to sue the State.

S. C. R. No. 22, Granting permission to S. E. Harris to bring suit against the State of Texas for physical injuries.

S. B. No. 441, A bill to be entitled "An Act making an appropriation of the sum of Fifty Thousand Dollars (\$50,000.00), or so much thereof as may be necessary, out of the general revenue of the State of Texas, to pay the contingent expenses of the regular session of the Forty-third Legislature of the State of Texas, providing how accounts may be approved, and declaring an emergency."

S. B. No. 442, A bill to be entitled "An Act appropriating the sum of Two Hundred Thousand Dollars, or so much thereof as may be necessary, payable out of the General Revenue Fund, to pay the mileage and per diem of members and the salaries and per diem of officers and employees of the Forty-third Legislature of the State of Texas, and declaring an emergency."

H. B. No. 218, A bill to be entitled "An Act requiring the Land Commis-

sioner to ascertain and determine the amount of bonus and rental money due the State and by whom due, under the operation, terms, and conditions of Chapter 81, printed Acts of the Second Called Session of the Thirty-sixth Legislature, and the amendment thereof, by the First Called Session, of the Thirty-seventh Legislature, which Acts are generally referred to as the Relinquishment Act, authorizing the Land Commissioner to settle and compromise such debts with the debtors on the basis of actual amounts found due less all just and lawful credits, etc., and declaring an emergency."

(With engrossed rider.)

H. B. No. 667, A bill to be entitled "An Act defining from what fund the compensation of county commissioners may be paid in counties having a population of not more than six thousand three hundred and twenty (6,320), and not less than six thousand three hundred and ten (6,310), according to the most recent United States census."

The House has failed to pass, by a vote of 47 yeas and 68 nays, the following bill:

H. B. No. 20, A bill to be entitled "An Act to safeguard against the irresponsible practice of the profession of architecture; defining and regulating the practice of architecture; creating a Board of Architectural Examiners; providing for appointment; fixing the terms of office; providing for the appointment of their successors and for filling vacancies, etc., and declaring an emergency."

H. B. No. 7, A bill to be entitled "An Act providing a uniform system of selecting the number and setting the salaries of deputies of the sheriff, county clerk, county attorney, district clerk, tax assessor, tax collector, district attorney, constables and justices of the peace in precincts of more than fifty thousand inhabitants, etc., and declaring an emergency."

H. B. No. 19, A bill to be entitled "An Act to amend Article 1572, Chapter 3, Title 18, Penal Code of the State of Texas, Revision of 1925, and declaring an emergency." (Relating to 54-hour week for female employees.)

H. B. No. 822, A bill to be entitled "An Act to validate, ratify, approve, confirm, and declare enforceable all levies and assessments of ad valorem

taxes heretofore made by independent school districts in this State, not in excess of the limit now provided by law, which are void or unenforceable because the same were made and adopted by resolution, motion, or other informal action; and because of the failure of the governing body of such districts to appoint the proper and statutory board of equalization; and which are insufficient and void or unenforceable on account of technical irregularities in the manner of preparing the books and reports of assessors assessing such property, etc., and declaring an emergency."

H. B. No. 260, A bill to be entitled "An Act amending Article 791 of the Penal Code, providing that Section 8, of Article 827-a, of the Acts of 1929, Forty-first Legislature, Second Called Session, page 72, Chapter 42, as amended by the Acts of 1931, Forty-second Legislature, Regular Session, page 507, Chapter 282, relating to the speed of motor vehicles, shall not apply to fire patrols or motor vehicles operated by the fire department of any city, town, or village responding to calls, nor to police patrols or physicians and/or ambulances responding to emergency calls; and providing that incorporated cities and towns may, by ordinance, regulate the speed of ambulances, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Senate Bill No. 203.

The Chair laid before the Senate as pending business S. B. No. 203.

On motion of Senator Woodul, the bill was laid on the table subject to call.

#### Senate Bill No. 183.

The Chair laid before the Senate as pending business the following bill:

By Senator Poage:

S. B. No. 183, A bill to be entitled "An Act relating to the licensing of motor vehicle operators and to the liability of certain persons for negligence in the operation of motor vehicles on the public highways, providing for issuance of licenses, revocation of operator's and chauffeur's licenses under certain conditions, forbidding driving by persons without licenses, providing penalties, defin-

ing terms and providing for certain exemptions, enacting other provisions necessary and incidental to the subject of the Act, and declaring an emergency."

Senator Poage sent up the following amendment:

Amend S. B. No. 183, page 4, line 6, by adding a new subsection to be known as Subsection (C) to read as follows:

"(C) The suspension above provided shall in the first instance be for a period of one year. In event any license shall be revoked or suspended under the provisions of this section for a second time, said second revocation shall likewise be for a period of one additional year, and in event any license shall be revoked or suspended under the provisions of this section for a third time, said third revocation or suspension shall be permanent."

POAGE.

Read and adopted.

Senator DeBerry sent up the following amendment:

Amend S. B. No. 183 by striking out the word "fifteen" in line 8, page 2, and insert in lieu thereof the word "twelve."

DeBERRY.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator DeBerry, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 183 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodul.
Murphy.	Woodward.
Neal.	

Absent—Excused.

Woodruff.	Rawlings.
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Read third time and finally passed by the following vote:

**Yeas—27.**

Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
Duggan.	Poage.
Fellbaum.	Purl.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

**Nays—2.**

Beck. DeBerry.

**Absent—Excused.**

Rawlings. Woodruff.

**Senate Bill No. 203.**

Senator Woodul called up from the table the following bill:

By Senators Woodul and Small:

S. B. No. 203, A bill to be entitled "An Act to amend Chapter 40, Acts of Second Called Session of Forty-second Legislature and Chapter 271, Acts of Regular Session of Forty-second Legislature as amended by said Chapter 40, Acts of Second Called Session of Forty-second Legislature, by adding to Section 8a Subsections 6a and 6b to be inserted between Subsections 6 and 7, and to declare that as to any and each lease and/or contract hereafter made by the Board of Mineral Development it is the policy of the State, with reference to the development of all portions of beds of rivers and channels described in such lease and/or contract that the activities of the State and of lessees and/or contract parties, their successors or assigns, under such lease and/or contract, shall conform to the valid laws of this State, etc., and declaring an emergency."

The question recurred upon the pending motion to reconsider the vote by which the amendment by Senator Oneal was adopted.

By unanimous consent, the motion was withdrawn.

Senator Poage sent up the following amendment:

Amend Section 1 of S. B. No. 203, as amended, by adding at the end of Section 1 the following:

"Provided, further that said Board may modify said contract as aforesaid by adjusting up or down from time to time the State's portion of said oil and/or gas and/or money payment as the conditions hereinbefore set forth may justify and which may be equitable to the State and to said contractors or their assigns, but in no event shall the State's portion be less than one-fourth nor more than now provided in said contracts. and this Act shall in no way release any part of the State's oil heretofore produced which it is now entitled to, nor shall this Act in anywise relieve any such contractor from any obligation now existing to drill any well either as an offset or otherwise. 'And/or' as used in this Act shall mean and include both and either of the words 'and' and 'or'."

Amend caption accordingly.

**POAGE.**

Read and adopted.

Senator Poage moved to reconsider the vote by which the amendment was adopted.

The motion prevailed.

Senator Poage withdrew his amendment.

Senator Moore sent up the following amendment:

Amend S. B. No. 203 by adding a new section to be known as Section 1a, as follows:

Sec. 1a. No change shall be made by the Board of Mineral Development that will relieve, release and/or suspend the lessees from the payment of any money and/or royalty now due and payable to the State for oil and/or gas produced to the date that the Board makes any change in the present existing lease contracts.

**MOORE,  
ONEAL.**

Read and adopted.

On motion of Senator Woodul, the bill was laid on the table subject to call.

**House Bills Referred.**

H. B. No. 260 referred to Committee on Towns and City Corporations.

H. B. No. 822 referred to Committee on Educational Affairs.

H. B. No. 7 referred to Committee on Counties and County Boundaries.

H. B. No. 19 referred to Committee on Labor.

H. B. No. 667 referred to Committee on Counties and County Boundaries.

H. B. No. 218 referred to Committee on Public Lands and Land Office.

H. C. R. No. 34 referred to Committee on State Highways and Motor Traffic.

### Senate Bill No. 113.

The Chair laid before the Senate as special order the following bill:

By Senator Oneal:

S. B. No. 113, A bill to be entitled "An Act providing when, how and in what manner any water improvement district or water control and improvement district or conservation and reclamation district, now or hereafter organized and existing under the Constitution and laws of this State may refund any of its outstanding bonds or any of its valid outstanding notes, warrants or other obligations (other than bonds); etc., and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Oneal the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 113 was put on its third reading and final passage by the following vote:

#### Yeas—29.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodul.
Murphy.	Woodward.
Neal.	

#### Absent—Excused.

Rawlings. Woodruff.

Read third time and finally passed by the following vote:

#### Yeas—29.

Beck.	Collie.
Blackert.	Cousins.

26—Jour.

DeBerry.  
Duggan.  
Fellbaum.  
Greer.  
Holbrook.  
Hopkins.  
Hornsby.  
Martin.  
Moore.  
Murphy.  
Neal.  
Oneal.  
Pace.

Parr.  
Patton.  
Poage.  
Purl.  
Redditt.  
Regan.  
Russek.  
Sanderford.  
Small.  
Stone.  
Woodul.  
Woodward.

#### Absent—Excused.

Rawlings. Woodruff.

#### Motion to Re-commit.

Senator Moore moved to re-commit S. B. No. 186 to the Committee on Insurance. The motion prevailed.

### Senate Bill No. 349.

The Chair laid before the Senate by unanimous consent out of its regular order the following bill:

By Senator Parr:

S. B. No. 349, A bill to be entitled "An Act prohibiting the use of seines, nets, trawls or the possession of seines, nets or trawls in certain tidal waters of Willacy County; prescribing a penalty for violation of any provision of this Act; repealing all laws in so far as they may conflict with any provisions of this Act; and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

Read second time.

On motion of Senator Parr, the bill was laid on the table subject to call.

### Senate Bill No. 273.

Senator Pace asked unanimous consent to suspend the regular order and take up S. B. No. 273.

Objection was heard.

Senator Pace moved to suspend the regular order and take up S. B. No. 273. The motion prevailed by the following vote:

#### Yeas—28.

Beck.	Fellbaum.
Blackert.	Greer.
Collie.	Holbrook.
Cousins.	Hopkins.
DeBerry.	Hornsby.
Duggan.	Martin.

Moore.	Redditt.
Murphy.	Regan.
Neal.	Russek.
Oneal.	Sanderford.
Pace.	Small.
Parr.	Stone.
Patton.	Woodul.
Poage.	Woodward.

Nays—1.

Purl.

Absent—Excused.

Rawlings. Woodruff.

The Chair laid before the Senate on its second reading the following bill.

By Senator Pace:

S. B. No. 273, A bill to be entitled "An Act authorizing the district attorney of the Seventh Judicial District to appoint an assistant district attorney; prescribing the time for which he shall be appointed; prescribing his duties and providing for payment of salary, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Pace the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 273 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodul.
Murphy.	Woodward.
Neal.	

Absent—Excused.

Rawlings. Woodruff.

Read third time and finally passed by the following vote:

Yeas—26.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
Duggan.	Poage.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodul.
Neal.	Woodward.

Nays—3.

DeBerry. Purl.  
Hornsby.

Absent—Excused.

Rawlings. Woodruff.

### Message From the House.

Hall of the House of Representatives,  
Austin, Texas, March 17, 1933.

Hon. Edgar E. Witt, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has refused to pass by a vote of 21 yeas and 93 nays the following bill:

H. B. No. 26, A bill to be entitled "An Act to amend Section 10 of House Bill No. 6, passed at the Second Called Session of the Forty-first Legislature, providing for the distribution and apportionment of collections of license fees and for reports thereof, and declaring an emergency."

The House has adopted the following resolutions:

S. C. R. No. 29, Relative to an application for a loan by the Waco, Beaumont, Trinity & Sabine Railway Company from the Reconstruction Finance Corporation.

S. C. R. No. 32, Commending the Texas delegation in the Congress of the United States for their patriotism and wholehearted support of the President's economy program.

Respectfully Submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

### House Bill No. 822.

Senator Collie asked unanimous consent to suspend the regular order of business and take up H. B. No. 822.

Objection was heard.

Senator Collie moved to take up the bill. The motion prevailed by the following vote:

Yeas—26.

Beck.	Neal.
Blackert.	Oneal.
Collie.	Pace.
Cousins.	Parr.
Duggan.	Patton.
Fellbaum.	Poage.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Woodul.
Murphy.	Woodward.

Nays—3.

DeBerry.	Stone.
Purl.	

Absent—Excused.

Rawlings.	Woodruff.
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The Chair laid before the Senate on its second reading the following bill:

By Mr. Ratliff:

H. B. No. 822, A bill to be entitled "An Act to validate, ratify, approve, confirm, and declare enforceable all levies and assessments of ad valorem taxes heretofore made by independent school districts in this State, not in excess of the limit now provided by law, which are void or unenforceable because the same were made and adopted by resolution, motion, or other informal action; and because of the failure of the governing body of such districts to appoint the proper and statutory board of equalization; and which are insufficient and void or unenforceable on account of technical irregularities in the manner of preparing the books and reports of assessors assessing such property, etc., and declaring an emergency."

Read second time.

On motion of Senator Collie, the bill was laid on the table subject to call.

Senate Bill No. 203.

Senator Woodul called up from the table S. B. No. 203.

Senator Poage sent up the following amendment:

Amend Section 1 of Senate Bill No. 203 as amended by adding at the end of Section 1 the following:

"Provided, further that said Board may modify said contract as aforesaid by adjusting up or down from time to time the State's portion of said oil and/or money payment as the conditions hereinbefore set forth may justify and which may be equitable to the State and to said contractors or their assigns, but in no event shall the State's portion be less than one-fourth nor more than now provided in said contracts, and in no event shall the Board of Mineral Development have any authority to modify or change said original leases as to gas. Provided further that no revision made under this Act shall release the lessees or their assigns from the payment to the State for any oil and/or gas produced or the delivery to the State of any oil produced and due the State under the original contracts and produced prior to the effective execution of any revision hereunder.

"Provided further that nothing in such revision shall in anywise relieve any lessee and/or contracting party from any obligation now existing to drill any well either as an offset or otherwise.

" 'And/or' as used in this Act shall mean and include both and either of the words 'and' and 'or'."

Amend caption accordingly.

POAGE.

Read and adopted.

The bill was passed to engrossment by the following vote:

Yeas—18.

Blackert.	Poage.
Collie.	Purl.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Martin.	Small.
Moore.	Stone.
Parr.	Woodul.

Nays—8.

Beck.	Neal.
DeBerry.	Oneal.
Hornsby.	Pace.
Murphy.	Woodward.

Absent.

Cousins.	Patton.
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Absent—Excused.

Woodruff.



## (Pair Recorded.)

Senator Duggan (present) who would vote nay, with Senator Rawlings (absent) who would vote yea.

On motion of Senator Woodul, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 203 was put on its third reading and final passage by the following vote:

## Yeas—29.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodul.
Murphy.	Woodward.
Neal.	

## Absent—Excused.

Rawlings. Woodruff.

Read third time and finally passed by the following vote:

## Yeas—20.

Blackert.	Patton.
Collie.	Poage.
Cousins.	Purl.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Martin.	Small.
Moore.	Stone.
Parr.	Woodul.

## Nays—8.

Beck.	Neal.
DeBerry.	Oneal.
Hornsby.	Pace.
Murphy.	Woodward.

## Absent—Excused.

Woodruff.

## (Pairs Recorded.)

Senator Duggan (present) who would vote nay, with Senator Rawlings (absent) who would vote yea.

## Senate Bill No. 349.

Senator Parr called up from the table S. B. No. 349.

The Chair substituted for S. B. No. 349 the following House Bill on the same subject:

By Mr. Dunlap:

H. B. No. 764, A bill to be entitled "An Act prohibiting the use of seines, nets, and trawls, or the possession of seines, nets, or trawls, in certain tidal waters of Willacy County; prescribing a penalty for violation of any provision of this Act; repealing all laws in so far as they may conflict; etc., and declaring an emergency.

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was passed to third reading.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 764 was put on its third reading and final passage by the following vote:

## Yeas—29.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodul.
Murphy.	Woodward.
Neal.	

## Absent—Excused.

Rawlings. Woodruff.

Read third time and finally passed by the following vote:

## Yeas—29.

Beck.	Hornsby.
Blackert.	Martin.
Collie.	Moore.
Cousins.	Murphy.
DeBerry.	Neal.
Duggan.	Oneal.
Fellbaum.	Pace.
Greer.	Parr.
Holbrook.	Patton.
Hopkins.	Poage.

Purl.	Small.
Redditt.	Stone.
Regan.	Woodul.
Russek.	Woodward.
Sanderford.	

Absent—Excused.

Rawlings.	Woodruff.
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#### Executive Session.

At 11:45 o'clock a. m. the Chair announced that the hour for the executive session had arrived. The Chamber was cleared and the doors were locked.

#### After Executive Session.

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk that the following action had been taken:

Committee Room,  
Austin, Texas, March 15, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Governor's Nominations, beg to report that we have had under consideration the appointment of Hon. J. K. Brim, Hopkins County, Texas; Mrs. Doak Roberts, Dallas County, Texas; and Mrs. J. M. Loving, Travis County, Texas, as members of the Board of Regents, College of Industrial Arts, Denton, Texas, and we recommend that the said appointments be in all things confirmed.

MARTIN, Chairman.  
Confirmed.

Committee Room,  
Austin, Texas, March 15, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Governor's Nominations, beg to report that we have had under consideration the appointment of Hon. W. A. Morrison, of Milam County, Texas, as a member of the State Board of Education, and we recommend that the said appointment be in all things confirmed.

MARTIN, Chairman.  
Confirmed.

Committee Room,  
Austin, Texas, March 15, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Governor's Nominations, to whom was

referred the request of the Governor to withdraw the name of Hon. Larry Mills of Dallas County, Texas, as a member of the State Board of Education, beg leave to report that we have considered the said request, and we recommend that the said request be in all things granted.

MARTIN, Chairman.

Granted.

Committee Room,  
Austin, Texas, March 15, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Governor's Nominations, beg to report that we have had under consideration the appointment of Hon. L. J. Wardlaw, Tarrant County, Texas, and Hon. Guy T. Anderson of Robertson County, Texas, as members of the Board of Directors of Texas Agricultural and Mechanical College, and we recommend that the said appointments be in all things confirmed.

MARTIN, Chairman.  
Confirmed.

Committee Room,  
Austin, Texas, March 16, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Governor's nominations, beg to report that we have had under consideration the appointments of the following: Peter M. Gengler, Galveston, Texas; J. H. Langbehn, Galveston, Texas; Robert I. Cohen, Galveston, Texas; A. W. Purdy, Galveston, Texas; E. V. Rhodes, Texas City, Texas, as members of the Pilot Commission, and we recommend that the said appointments be in all things confirmed.

MARTIN, Chairman.  
Confirmed.

#### S. C. R. No. 30.

On motion of Senator Purl, S. C. R. No. 30 was laid on the table subject to call.

#### Adjournment.

Senator Holbrook moved to adjourn until 10 o'clock Monday morning.

Senator DeBerry moved to adjourn until 10 o'clock tomorrow morning.

The motion to adjourn until Monday morning at 10 o'clock prevailed by the following vote:

## Yeas—17.

Beck.	Neal.
Blackert.	Oneal.
Cousins.	Parr.
Duggan.	Patton.
Fellbaum.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Martin.	Woodul.
Moore.	

## Nays—9.

Collie.	Pace.
DeBerry.	Purl.
Greer.	Redditt.
Hornsby.	Woodward.
Murphy.	

## Absent.

Stone.

## Absent—Excused.

Poage.	Small.
Rawlings.	Woodruff.

At 12:33 o'clock p. m., the Senate adjourned.

## APPENDIX.

## Petitions and Memorials.

City of San Antonio  
Executive Dept.  
San Antonio, Texas,  
March 15, 1933.

Hon. Bob Barker,  
Secretary of the Senate,  
Austin, Texas.

Dear Mr. Barker: The Acting Mayor and the Commissioners direct me to thank you for the copy of the Resolution of the Senate with reference to the death of Mayor Chambers.

At a meeting of the Commissioners held today the resolution was read and ordered recorded in the minutes.

Sincerely yours,  
JAS. SIMPSON,  
City Clerk.

## Committee on Enrolled Bills.

Committee Room,  
Austin, Texas, March 16, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 27 carefully examined and compared and find same correctly enrolled.  
GREER, Chairman.

## Committee Reports.

Committee Room,  
Austin, Texas, March 17, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred

S. B. No. 352, A bill to be entitled "An Act amending Article 2968 of the Revised Civil Statutes of 1925 as amended by the Fifth Called Session of the 41st Legislature of the State of Texas so as to provide that certificates of exemption shall be obtained before the first day of February of any year in which the holder shall offer to vote, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

POAGE, Chairman.

Committee Room,  
Austin, Texas, March 16, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

S. B. No. 275, A bill to be entitled "An Act to transfer the funds of the sand, shell, and gravel fund, the fish and oyster fund, and the fish propagation and protection fund; providing for the placing to the credit of the special game fund future collections provided for under the law that are placed to the credit of the sand, shell and gravel fund, the fish and oyster fund, and the fish propagation and protection fund; providing for what purposes the special game fund shall be spent and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Room,  
Austin, Texas, March 16, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

H. J. R. No. 2, Proposing an amendment to Section 26, of Article 3, of the Constitution of Texas, by adding thereto Section 26a, provid-

ing that under no apportionment shall any county be entitled to more than six (6) representatives, unless the population of such county shall exceed six hundred thousand (600,000) people; providing for the apportionment in counties of more than six hundred thousand (600,000) people.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

ONEAL, Chairman.

Committee Room,  
Austin, Texas, March 16, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 4, Proposing amendments to Sections 4, 22 and 23, of Article 4 of the Constitution of the State of Texas, by providing that the terms of office for the Governor, Attorney General, Comptroller of Public Accounts, Treasurer and Commissioner of the General Land Office shall each be limited to only one term of four years, and that each said officer shall thereafter be ineligible to succeed himself."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with committee amendment, and be printed.

ONEAL, Chairman.

Committee Amendments to S. J. R. No. 4.

Amend S. J. R. No. 4 by striking out all of Section 3.

Amend the caption of S. J. R. No. 4 by striking out in the caption the words "Comptroller of Public Accounts, Treasurer and Commissioner of the General Land Office."

Committee Room,  
Austin, Texas, March 16, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 5, Proposing amendments to Sec. 3 and 4 of Article 3 of the Constitution of the State of Texas, by providing that the terms of office of the members of the Senate be extended from four to six

years, and that the terms of office of the members of the House of Representatives be extended from two to four years, providing for the submission of same to the qualified electors."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

ONEAL, Chairman.

Committee Room,  
Austin, Texas, March 16, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 10, Proposing an amendment to the Constitution of the State of Texas, amending Sections 2 and 3 of Article V of the Constitution so as to provide for a Supreme Court of nine members.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

ONEAL, Chairman.

Committee Room,  
Austin, Texas, March 16, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 23, Proposing an amendment to Section 30 of Article XVI of the Constitution of the State of Texas, so as to fix the duration of all offices not otherwise fixed by the Constitution to four (4) years, providing that the Railroad Commission shall be composed of 3 members, who shall be elected as now provided, by the people, and fix their term of office, which shall be six years and that one Railroad Commissioner shall be elected every two years.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

ONEAL, Chairman.

Committee Room,  
Austin, Texas, March 16, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 22, Proposing an amendment to Sections 9, 15, 18, 20, 21 and 23 of Article V of the Constitution of the State of Texas so as to fix the term of office of the Clerk of the District Court, County Judge, Constable, Justice of the Peace, Sheriff, County Commissioner, County Clerk, District Attorney and County Attorney at four years, providing that neither of said officers shall be eligible to succeed himself.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

ONEAL, Chairman.

Committee Room,

Austin, Texas, March 16, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 24, Proposing an amendment to Sections 14 and 16 of Article VIII of the Constitution of the State of Texas so as to fix the term of office as of Assessor and Collector of Taxes at four years, providing that said officer shall not be eligible to succeed himself, providing for election on such proposed constitutional amendment and making an appropriation therefor.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

ONEAL, Chairman.

Committee Room,

Austin, Texas, March 16, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 257, A bill to be entitled "An Act relating to the investment of sinking funds created for the purpose of paying the bonds of any county, city, town, school district or improvement district; adding two new articles to Chapter 8, Title 22, Revised Civil Statutes, 1925, so as to require the treasurer or other depository of any such county, city, town, or district to report to the State Comptroller each purchase of bonds as investments for such sinking funds, and the amount paid therefor; prescribing penalty for failure to make such report, and the

method of recovering such penalty; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, March 16, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 343, A bill to be entitled "An Act relating to depositories of the public funds of counties, political subdivisions, improvement districts, school districts, cities, towns and villages in this state; prescribing procedure for the selection of such depositories, requiring issuance and publication of notices and advertisement for bids; requiring each bank so bidding to attach to its bid sworn statement of its condition of the first of the month prior to the date of such bid; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, March 16, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 238, A bill to be entitled "An Act to provide that no Commissioners Court or governing body of any city or town shall make contracts calling for or requiring the expenditure or payment of \$2,000.00 or more, without first submitting such proposed contract to competitive bids; requiring that notice of the time and place such bids will be received shall be published; prescribing the time for such publication; providing for posting of notices where no newspaper is published; prescribing that certified check for five per cent of the amount of the bid shall be filed with such bid, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the

recommendation that it do pass and be printed.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, March 17, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 434, A bill to be entitled "An Act to amend Article 1302, Title 32, of the Revised Civil Statutes of Texas of 1925, providing additional purposes for which corporations may be formed under the laws of the State of Texas."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, March 17, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 822, A bill to be entitled "An Act to validate, ratify, approve, confirm and declare enforceable all levies and assessments of ad valorem taxes heretofore made by independent school districts in this State, not in excess of the limit now provided by law, which are void or unenforceable because the same were made and adopted by resolution, motion, or other informal action; and because of the failure of the governing body of such districts to appoint the proper and statutory board of equalization; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

NEAL, Chairman.

Committee Room,

Austin, Texas, March 17, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 764, A bill to be entitled "An Act prohibiting the use of seines, nets and trawls or the possession of seines, nets or trawls in certain tidal waters of Willacy County; prescrib-

ing a penalty for violation of any provision of this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

#### FORTY-SEVENTH DAY.

Senate Chamber,

Austin, Texas,

March 20, 1933.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Cousins.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

#### Committee Reports.

(See Appendix.)

#### Bills and Resolutions.

By unanimous consent, the rule relating to the introduction of general bills after the first 52 days of the session was suspended and consent was granted to introduce the following bills:

By Senator Duggan:

S. B. No. 466, A bill to be entitled "An Act extending the benefit of Senate Bill No. 184, Chapter 254, page 422, Acts of the Regular Session of